

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-889-D

OPTIMA TOBACCO CORPORATION,

Plaintiff,

v.

U.S. FLUE-CURED TOBACCO
GROWERS, INC., and UETA, INC.,

Defendants.

ORDER

On November 3, 2017, the court heard oral argument on the pending motions to dismiss [D.E. 43, 52, 55] for failure to state a claim upon which relief can be granted. The court has considered the counterclaims against Optima Tobacco Corporation and the third-party complaint against Stephen Daniel and James O. Judge under the governing standard. See, e.g., Ashcroft v. Iqbal, 556 U.S. 662, 677–81, 684–86 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 554–64 (2007); Francis v. Giacomelli, 558 F.3d 186, 191–97 (4th Cir. 2009); Fed. R. Civ. P. 12(b)(6). As explained in open court and incorporated herein by reference, the court GRANTS the motions to dismiss [D.E. 43, 52, 55] and DISMISSES the counterclaims and third-party complaint for failure to state a claim upon which relief can be granted.

SO ORDERED. This 3 day of November 2017.


JAMES C. DEVER III
Chief United States District Judge